

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION**

UNITED STATES OF AMERICA, §  
§  
v. § CRIMINAL NO. 4:20-CR-269-Y  
§  
ERIC PRESCOTT KAY (01) §

**JOINT MOTION TO CONTINUE TRIAL AND EXTEND PRETRIAL  
DEADLINES**

TO THE HONORABLE TERRY R. MEANS  
SENIOR UNITED STATES DISTRICT JUDGE FOR THE  
NORTHERN DISTRICT OF TEXAS

COMES NOW, **ERIC PRESCOTT KAY (1)**, Defendant, by and through his attorney of record, WM. REAGAN WYNN, and **THE UNITED STATES OF AMERICA**, by and through her attorneys of record, LINDSEY BERAN and ERRIN MARTIN, and move this Court to continue the current trial date and set this matter for a status conference in approximately thirty (30) days with a commensurate extension of all pretrial deadlines. In support thereof, Defendant would show the Court the following:

- (1) The indictment in this case was returned October 15, 2020. Pursuant to this Court's Order entered October 30, 2020, (ECF No. 16), trial in this matter is scheduled to begin

December 14, 2020. Pretrial motions are due to be filed no later than November 16, 2020. Pursuant to the Court's scheduling Order, the Government's first pretrial deadline is November 6, 2020, and the defendant's first pretrial deadline is November 12, 2020.

- (2) Undersigned counsel for Mr. Kay, Wm. Reagan Wynn, was diagnosed with COVID-19 on October 28, 2020. Undersigned counsel has been quarantined at his home since that date. Undersigned counsel is still symptomatic and anticipates being in quarantine at least through November 13, 2020. Because he is in quarantine, undersigned counsel is unable to meet with his client in person at this time. Additionally, because he remains symptomatic, undersigned counsel is currently unable to devote the necessary time and effort to adequately prepare this case for trial next month.
- (3) Undersigned counsel have conferred about the production of discovery to the defense by the Government. Undersigned counsel anticipate discovery to be voluminous. Undersigned counsel also anticipate the entry of an agreed protective order concerning dissemination of discovery materials.

- (4) Once counsel for the defense has the opportunity to conduct a preliminary review of discovery in this matter, he will be in a better position to give the Court a reasonable estimate of the time required to adequately prepare for trial.
- (5) Undersigned counsel agree both parties will be in a position to advise the Court of a realistic trial date if the court will set a status conference in this matter approximately 30 days from the date of the filing of this Motion.
- (6) Both parties agree the ends of justice served by granting the requested continuance outweigh the best interest of the public and the defendant in a speedy trial. See 18 U.S.C. § 3161(h)(7)(A). Denial of the requested continuance will almost assuredly result in a miscarriage of justice because it is unlikely discovery can be completed and adequately reviewed under the current schedule. See 18 U.S.C. § 3161(h)(7)(B)(i). Further, given his current health situation, undersigned counsel for Mr. Kay requires additional time of effective preparation of this matter for trial taking into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(7)(B)(iv).
- (7) This request is not made for purposes of delay, rather, it is made in the interests of justice.

(8) The parties of have identified the following potential conflicts for trial over the period from the date of the filing of this motion through 90 days after the current trial date of December 14, 2020:

(A) Undersigned counsel, Wm. Reagan Wynn, anticipates being out of town for the holidays from December 19, 2020, through December 27, 2020; and,

(B) Undersigned counsel for the Government are unavailable January 5, 2020, through January 8, 2020, January 11, 2020, through January 15, 2020, and January 18, 2020, through January 20, 2020.

WHEREFORE, PREMISES CONSIDERED, Defendant Eric Prescott Kay (01) and The United States of America respectfully pray the current trial date of December 14, 2020, be continued, a status conference date be set approximately thirty (30) days from the date of the filing of this Motion, or for another period as the Court might otherwise direct, and the associated pretrial deadlines be extended for a corresponding period of time.

Respectfully Submitted,

/s/ Wm. Reagan Wynn

Wm. Reagan Wynn

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**ATTORNEYS FOR THE UNITED  
STATES OF AMERICA**

***CERTIFICATE OF SERVICE***

I hereby certify that on November 5, 2020, I electronically filed the foregoing document using the Court's CM/ECF system, thereby effecting service on attorneys of record.

/s/ Wm. Reagan Wynn

WM. REAGAN WYNN